

ZONING BOARD OF REVIEW

Barrington, Rhode Island

February 17, 2011

APPLICATIONS: #3615 and 3616

MINUTES OF THE MEETING:

At the call of the acting Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel, Ian Ridlon, David Rizzolo and Stephen Venuti.

Also present was solicitor Michael Ursillo and Building Official Robert Speaker.

At 7:06 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 9:00 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on those applications it had heard that had not been continued.

Election of Chairman and Vice Chairman

Mr. Freel moved to elect Thomas Kraig Chairman for 2011. Upon a second by Mr. Blasbalg the Board voted unanimously (7-0) to elect Mr. Kraig as Chairman of the Zoning Board.

Mr. Venuti moved to elect Mr. Freel Vice Chairman of the Zoning Board for 2011. Mr. Rizzolo seconded the motion and it carried unanimously (7-0).

Application #3615, Andrew Tolley and Elizabeth McGowan, 49 Barnsdale Road, East Providence, RI 02914, applicants, Richard and Joanne Webber, 43 Woodbine Avenue, Barrington, RI 02806, owners, for permission to construct a two-story addition, a one-story garage and a porch; Assessor's Plat 1, Lot 212, R-10 District, 43 Woodbine Avenue, Barrington, RI 02806, requiring relief for front yard setback, rear yard setback, and for being within 100' of a wetlands/waterbody.

Present: Andrew Tolley and Elizabeth McGowan, 49 Barnsdale Road, East Providence, RI

Kielan Rickey, Architect

In the audience:

Cyndee Fuller v Barrington Conservation Commission

Linda Goad Jellows, 27 Woodbine Avenue, Barrington, RI

Jeff Jenkins, 27 Woodbine Avenue, Barrington, RI

John Gambino, 26 Woodbine Avenue, Barrington, RI

The following items were submitted as exhibits:

„« Rear elevation drawing, by the applicant

„« Letter from Coleman Realtor Re: Property Value, by Linda Goad Jellows

„« Pictures of existing conditions, by Linda Goad Jellows

The applicants explained that they are seeking to move to Barrington and are in the process of purchasing the house at 43 Woodbine Avenue; however, the current house is a small bungalow, approximately 1,300 square feet. There are three small bedrooms on the second floor, with a bathroom that has a shower and a sink, but no toilet. There is a half bath on the first floor. They are seeking to build a 1,200 square foot addition in order to create additional bedrooms on the second floor as well as a full bathroom better to accommodate their family's needs. The proposed addition would have its own stairway separate from the stairs in the existing house, and would be higher in elevation and height, meeting current flood zone standards. The kitchen space will also be re-worked on the first floor.

Additionally, the applicants are seeking to build a garage, noting that the house does not have a basement or attic space; therefore, there is a great need for additional storage space. A wrap-around porch has also been proposed in order to provide coverage, safer ingress/egress from the home and improve the overall aesthetics of the home.

Ms. Fuller noted that the Conservation Commission did not have a quorum to consider this matter and could not provide an official recommendation. The members who did attend the meeting did not

have any objection to the proposal, noting that it would not have any significant impact on the wetlands, nor would it have any significant increase in run-off as the porch would be slatted with crushed stone underneath. It was recommended that if approval were granted, the standard conservation conditions be applied. Ms. Fuller also noted that she had a letter from a member who had not been able to attend the meeting but felt that he was opposed to the application upon his independent review, not having heard from the applicants.

Members of the Board noted that while they understood the applicant's desire to reside near the water as well as the need for more space than the existing house could provide, they were struggling with the requirements of "least relief necessary" as well as the "hardship" on the applicants since they did not currently reside at the house. It was also noted that the home was in an AE Flood Zone and any additions would need to comply with the appropriate building code standards for that zone.

The abutting neighbors spoke in opposition to the proposal. They felt that a second story addition located approximately three feet from the property line would have a strong negative impact on their property, reducing the value of their homes as well as blocking out most of the light from the southern side of their homes. The applicants responded to that point by noting that they would be removing a large tree from the subject property, allowing additional light to come in. Ms. Jellows also stated that if the space in the existing house was

insufficient for their needs they should consider purchasing a larger existing house as opposed to creating a large house on a small piece of land.

After deliberations among themselves, the applicants requested that this matter be continued to the March meeting. The Chairman advised the applicants to submit to both the Board and to the abutters any revised drawings or other changes to the application no later than March 10, a week before the meeting.

MOTION: Mr. Ridlon moved to continue the application to the March 17, 2011 meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3616, Kimberly Fournier, 10 Leslie Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a second floor and attic space; Assessor's Plat 1, Lot 76, R-10 District, 10 Leslie Avenue, Barrington, RI 02806, requiring relief for parking, side yard setback, exceeding lot coverage, and for being within 100' of a wetlands/waterbody.

Present: Kimberly Fournier and David Parkhurst, 10 Leslie Avenue, Barrington, RI

John Simone, attorney for the applicant, 450 Veterans Memorial

Parkway,

Suite 103, East Providence, RI

In the audience:

Cyndee Fuller ;V Barrington Conservation Commission

Donald Preite, 1 Leslie Avenue, Barrington, RI

The applicants explained that their current home is a single-story home with three bedrooms and two bathrooms; however, they have found that they need more space to accommodate the needs of the family, which includes bedrooms, home office space and attic storage. They are proposing to construct a second story addition with a small attic. This will enable them to move the bedrooms and office to the second floor and expand the kitchen and move the mechanicals to the first floor. The addition, with the exception of two small squaring-off additions to the right and left ends of the house and a set of stairs, will be within the existing footprint of the house. There will be no further encroachment on the setbacks than what currently exists. It was noted that the majority of the surrounding homes are two-story homes; therefore, the proposal will be within the characteristics of the neighborhood. Mr. Parkhurst also stated that he has spoken with his neighbors about the proposal and no one had any objections.

Ms. Fuller noted that the Conservation Commission did not have a quorum to consider this matter and could not provide an official

recommendation. The members who did attend the meeting did not have any objection to the proposal, noting that it would not have any significant impact on the wetlands. However, they do recommend the standard Conservation conditions be applied. Ms. Fuller also noted that she had a letter from a member who had not been able to attend the meeting but felt that he was opposed to the application upon review, not having heard from the applicants.

Mr. Preite, a neighbor, spoke in support of the application.

MOTION: Mr. Freel moved to approve the application with the following conditions:

„« Adequate erosion control measures to be utilized during construction

„« Construction materials to be stored at the side or front of the structure away from the wetland resource

Mr. Venuti seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The lot is 4,100 square feet in an R-10 Zone, making it extremely undersized

„« The proposed addition will go no closer to the setbacks than the current home

„« There will be no change in the overall characteristic of the

neighborhood

„« There were no objectors

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Review of 2010 Annual Report

Mr. Kraig noted that Ms. Carroll had compiled a report of the activity of the Board during 2010. There was no further discussion.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Venuti and seconded by Mr. Freel to accept the January 20, 2011 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Ridlon moved to adjourn at 9:11 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor